

REMARKS/ ARGUMENTS

Claims 1, 3, 4, 30-51, and 59 were pending prior to the present Amendment. Claims 1, 36 and 59 have been amended herein. New claim 60 has been added.

Applicant asserts that the points raised in the Office Action of November 17, 2008 have been addressed, as indicated below. Applicant requests reconsideration of the application and allowance of claims 1, 3, 4, 30-51, 59 and 60.

A. Claim 59 complies with 35 U.S.C. §112, 2nd ¶.

Claim 59 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite, as lacking antecedent basis for a “pre-load means.” Claims 1 and 59 have been amended to recite a “pre-load.” In light of this amendment, antecedent basis for the language of claim 59 is found in claim 1, in compliance with 35 U.S.C. §112, 2nd ¶. Withdrawal of the rejection is requested.

B. US 6,745,760 to Grychowski *et al.* does not anticipate Claims 1, 4, 30-35, 39-46, and 59.

Claims 1, 4, 30-35, 39-46, and 59 were rejected under 35 U.S.C. §102(e) as anticipated by US 6,745,760 to Grychowski *et al.* Applicant respectfully traverses this finding.

To anticipate a claim, a reference must disclose each element of the claim. Claim 1 recites at least one lever which is “pivotally supported at a lower end.” The ‘760 patent does not disclose such an arrangement. As can be seen in Figures 47-51, lever 120 is supported at its upper end and therefore does not teach each element of the instant claim.

Moreover, there is no motivation or suggestion in either Grychowski *et al.* or Biggadike *et al.* to modify Grychowski such as to arrive at the claimed invention. As the lever 120 is pivotally supported at its upper end, this teaches away from the requirements of the instant claims. In this regard, it should be observed that in all illustrated

embodiments of Grychowski utilizing a lever, the lever is pivotally supported at the upper end. Thus, the disclosure of Grychowski as a whole teaches away from the instant claims.

Furthermore, there is nothing in Grychowski that would motivate the person of ordinary skill in the art to adapt the disclosure of Figures 49-51 to a form within the scope of the instant claims. Such a finding would be based on hindsight.

It is respectfully asserted that claim 1 is neither anticipated nor rendered obvious by the teachings of US 6,745,760 to Grychowski *et al.* Withdrawal of the §102(e) rejection is therefore requested.

C. Claims 47-51 are both Novel and Not Obvious.

Claims 47-51 were rejected under 35 U.S.C. §103(a) as being unpatentable over Grychowski *et al.* in view of US 6,750,210 to Biggadike. As the claims from which claims 47-51 and new claim 60 depend are neither anticipated nor obvious for the reasons indicated above, so too are the claims dependent directly or indirectly from those claims. It is requested that this rejection also be withdrawn and the claims passed to allowance.

D. Claims 3 and 36-38 are Allowable.

Concerning the indication that claims 3 and 36-38 would be held allowable if rewritten in independent form, Applicant would like to thank the Examiner for the thoughtful and thorough consideration of the application and the prior art to date. Applicant acknowledges the Examiner's indication that claims 3 and 36-38 are considered to be in condition for allowance if rewritten in independent form. In light of the foregoing, though, it is believed each of the pending claims should be deemed allowable, and that such amendment of claims 3 and 36-38 is unnecessary.

CONCLUSION

Based upon the amendments made herein, each of the grounds considered by the Examiner to preclude allowance of this application has been addressed. Applicant has distinguished the cited art on several grounds. These points of distinction are not exhaustive and have been raised without prejudice. We reserve the right to raise additional grounds for distinction relating should this become necessary in the future. It is believed that the application is allowable and therefore, a Notice of Allowance is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge any fees or to credit any overpayment, particularly including any fees required under 37 CFR §1.16 or §1.17, and any necessary extension of time fees, to Deposit Account No. 07-1392.

Respectfully submitted,

/James P. Riek/

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James P. Riek
Attorney of Record
Reg. No. 39,009
Tel.: (919) 483-8022
Fax: (919) 483-7988